

C.S. 1007 SINGLE BENCH ①

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

WRIT PETITION NO. 5087 OF 2005

PETITIONER :

✓ SHRI SHRI 1008 SHRI

DANTESHWARI, DHARMIK
SARVAJANIK DHARAMSHALA
SAMITI, Through: Its President,
N.R. K. Pillai, Son of Late Shri K.
K. Nair, aged about 64 years,
Resident of Trimurty Bhawan, Rest
House Road, Dantewada, District
South Bastar Dantewada
(CHHATTISGARH)

RECEIVED-COPY
7/10/05
CLERK to A. G. BILASPUR

P.R. No. 5277/05
Presented by Bhaskor P. Singh
dated 7/10/05

VERSUS

RESPONDENTS :

- ✓ 1. STATE OF CHHATTISGARH,
Through: The Registrar, Firms and
Societies, O-5, Anupam Nagar,
Raipur, (CHHATTISGARH).
- ✓ 2. THE COLLECTOR,
District South Bastar, Dantewada,
(CHHATTISGARH).
- ✓ 3. THE TAHSILDAR,
Dantewada, District South Bastar
Dantewada (CHHATTISGARH).



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE
NATURE OF MANDAMUS, CERTIORARI, PROHIBITION ETC.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5087/ सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
11-5	21-10-2005 Mr. Bhaskar Payashi, counsel for the petitioner. Mr. Yashwant Singh Thakur, Govt. Advocate for the State/ respondents. Heard both the counsel. By the instant writ petition, the petitioner impugns the order dated 28-9-2005 (Annexure P-15) passed by the Registrar, Firms & Societies, Raipur. This order is appealable before the Government, therefore, the petitioner has alternative remedy. Learned counsel for the petitioner submits that the order impugned has been passed by violating the principles of natural justice, as the perusal of the order impugned reveals that the order has been passed on the advise of the Collector, whereas, the Collector was the complainant. Learned Govt. Advocate for the State/respondents submits that in view of the proviso to Section 34 of the Chhattisgarh Society Registrikaran Adhiniyam, 1973, before dissolution of the society, the Registrar, Firms & Societies was bound to have the opinion of the Collector, that is why the opinion was sought for. It is admitted position that the order impugned is appealable before the State Government and there is a statutory provision under Section 40 of the Chhattisgarh Society Registrikaran Adhiniyam, 1973.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5087/ सन् 200 5

आदेश पत्रक (पूर्वानुबद्ध)

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Soma	In the given situation, the petitioner, if so advised, can file appeal against the impugned order before the Collector. With the observations aforesaid, the writ petition stands disposed of. Consequently, M.(W.)P.No.4113/2005 and I.A.No.8941/2005 also stand disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C.Bhadoo Judge

SP/FS/2005 - 20,000